

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 10/10/2013

Action Requested By:
Community
Development

Agenda Item Type
Resolution

Subject Matter:

Agreement between Family Services Center, Inc. and City of Huntsville for the use of Neighborhood Stabilization Program Funds.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify contract 09-1133 with Family Services Inc., to amend the contract amount to include Program Income and increase the number of houses.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

The program has been successful in generating program income and is able to increase the amount of funds available and the number of affordable home ownership opportunities.

Associated Cost: 0

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 9/26/13

ROUTING SLIP
CONTRACTS AND AGREEMENTS

Originating Department: Community Development

Council Meeting Date: 10/10/2013

Department Contact: Scott Erwin

Phone # 256-427-5427

Contract or Agreement: Agreement

Document Name: Agreement between Family Services Center, Inc. and City of Huntsville for the use of ...

City Obligation Amount:

Total Project Budget:

Uncommitted Account Balance:

Account Number:

Procurement Agreements




<u>Select...</u>	<u>Select...</u>
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Grant-Funded Agreements

Federal HUD

Grant Name:

Neighborhood Stabilization Program

Department	Signature	Date
1) Originating		<u>9/26/13</u>
2) Legal		<u>10/2/13</u>
3) Finance		<u>10/2/13</u>
4) Originating		
5) Copy Distribution		
a. Mayor's office (2 copies)		
b. Clerk-Treasurer (Original & 2 copies)		
c. Legal (1 copy)		

RESOLUTION NO. 13-_____

WHEREAS THE CITY of Huntsville, Alabama applied for and received U.S. Department of Housing and Urban Development (HUD) Neighborhood Stabilization Program (NSP) grant funds through the State of Alabama, Department of Economic and Community Affairs (ADECA) under sections 2301-2304, Title III of Division B of the Housing and Economic Recovery Act of 2008 (Public Law 11-289) (HERA); and

WHEREAS the grant application, as incorporated into Grant Agreement No. NSP-GV-08-023 acknowledges that the CITY of Huntsville, Alabama intends to collaborate with certain local agencies in order to accomplish the objectives set forth in the grant application and agreement; and

WHEREAS the City of Huntsville entered into an Agreement with Family Services Center, Inc. to provide certain services in accordance with Grant Agreement No. NSP-GV-08-023; and

WHEREAS the City of Huntsville and Family Services Center, Inc. have subsequently entered into Modification No. 1, Modification No. 2 and Modification No. 3 of the Agreement; and

WHEREAS the CITY has demonstrated the necessity to amend the terms as described in the Agreement to reflect the inclusion of Program Income and increase the number of houses rehabilitated by the Neighborhood Stabilization Program.

NOW, THEREFORE, BE IT RESOLVED by the CITY Council of the CITY of Huntsville, Alabama, that the Mayor of the CITY of Huntsville is hereby authorized, requested and directed to enter into an agreement with the **Family Services Center, Inc.**, said contract being substantially similar in words and figures to that document identified as "Modification No. 4 to the Agreement Between the City of Huntsville Alabama and Family Services Center, Inc., as adopted by Resolution No. 09-1133 and modified by Resolutions No. 10-701 and by 11-17 and by 13-170, consisting of three (3) pages with the signature of the Council President or President Pro tem, and the date October 10, 2013 on the margin of the first page, a copy of said document being permanently kept on file in the Office of the CITY Clerk of the CITY of Huntsville.

ADOPTED this the 10th day of October, 2013.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 10th day of October, 2013.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)

COUNTY OF MADISON)

Modification No. 4 to the Agreement Between the City of Huntsville, Alabama and Family Services Center, Inc., dated November 19, 2009, adopted by the City Council of the City of Huntsville by Resolution No. 09-1133 and modified by Resolutions No. 10-701 and by 11-17 and by Resolution No. 13-170.

CONTRACT MODIFICATION NO. 4

THIS MODIFICATION No. 4 IS MADE TO THE AGREEMENT entitled "Agreement between Family Services Center, Inc. and City of Huntsville for the use of Neighborhood Stabilization Program Funds" as referenced above and is entered into on this the 10th day of October, 2013, by and between the CITY OF HUNTSVILLE, Alabama (City) and FAMILY SERVICES CENTER INC., an Alabama non-profit organization (Agency).

WITNESSETH

WHEREAS, the City and the Agency previously entered into an agreement for the City to provide Neighborhood Stabilization Program (NSP) grant funds to the Agency for use according to NSP guidelines;

WHEREAS, the said agreement was adopted and approved by the Huntsville City Council on November 11, 2009, pursuant to Resolution No. 09-1133; and modified by Resolutions No. 10-701 and by 11-17 and by 13-170.

WHEREAS the CITY has demonstrated the necessity to reflect the inclusion of Program Income in the total budget and increase the number of houses rehabilitated by the Neighborhood Stabilization Program.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to modify the Agreement as follows.

**President of the City Council of the
City of Huntsville, Alabama
Date: October 10, 2013**

1. Section 1, Part 1 of the agreement, **Project Description** shall be modified from the original agreement as changed in modification #1 from "The city shall provide NSP funds in an amount Not to exceed (NTE) \$475,000 to the AGENCY for the purchase, rehabilitation and other associated expenses for approximately eleven (5) foreclosed upon and vacant single family properties, (the "Project")". to "The city shall provide NSP funds in an amount Not to exceed (NTE) \$850,000. The \$850,000 shall include the original \$475,000 NSP grant and up \$375,000 in Program Income generated from the sale of NSP properties for the purchase, rehabilitation, construction and other associated expenses for approximately ten (10) foreclosed upon and vacant single family properties, (the "Project")."

2. Section 1 Part 3, C. - modify the first sentence of the original agreement from, "The AGENCY shall act as the developer for its NSP housing program and be entitled to be reimbursed up to a ten percent (10%) of the \$675,000.00 NSP funds (NTE \$67,500.00) for project delivery costs, to "The AGENCY shall act as the developer for its NSP housing program and be entitled to be reimbursed up to a ten percent (10%) of the \$850,000.00 NSP funds (including grant funds and program income), not to exceed \$85,000.00, for project delivery costs."

3. Section 1 Part 5, Cost Category – modify from the original agreement the Amount in Legal and Professional Services (NSP Grant Funds) from "\$675,000.00 to "\$850,000.00".

4. All other terms and conditions of the original agreement, as previously modified, remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have entered into this agreement, consisting of this page and one (1) preceding pages, on October 10th, 2013.

THE CITY OF HUNTSVILLE, ALABAMA

ATTESTED:

By: _____
Chuck Hagood, Clerk Treasurer

By: _____
Mayor Tommy Battle

Date: _____

Date: _____

ATTESTED:

**Family Services Center an Alabama
Non-Profit Corporation**

By: _____

By: _____

Its: Chair

Date: _____

Date: _____